

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This law will amend existing law to prohibit anyone, including veterinarians and animal shelters, from euthanizing healthy and adoptable cats and dogs within the state.

SECRETARY OF STATE
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X Janice Salerno
Signature of Applicant
JANICE SALERNO
Printed Name of Applicant
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Address
Glendale, AZ 85304
City State Zip
602-843-9263
Telephone Number

Date of Application September 28, 2011
Signatures Required mcb
179, 172,809
Deadline for Filing July 5, 2012
Serial Number Issued I-06-2012

FOR OFFICE USE ONLY

Revised 11/92

CFID# 201200204

FOX PETITIONS supporting
ADAPTABLE CATS AND DOGS OUT

FOX PETITIONS, LLC
Name of Organization (if any)
5830 W. Thunderbird Rd, Ste B8-403
Address
Glendale, AZ 85306-0900
City State Zip
Telephone Number
JANICE SALERNO - CHAIRMAN
Name of Officer and Title
5830 W. Thunderbird Rd, Ste B8-403
Address
Glendale, AZ 85306-0900
City State Zip

Telephone Number
FOX SALERNO - TREASURER
Name of Officer and Title
5830 W. Thunderbird Rd, Ste B8-403
Address
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Telephone Number

OFFICIAL TITLE

AMENDING SECTION 13-2910, ARIZONA REVISED STATUTES, RELATING TO CRUELTY TO ANIMALS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Adoptable Cats and Dogs Act."

Section 2. Findings.

The People of Arizona find and declare the following:

Adoptable cats and dogs should not be euthanized to control the population of cats and dogs within the state.

Therefore, the purpose of this Act is to prohibit the euthanizing of healthy and adoptable cats and dogs within the state.

Section 3. Section 13-2910, Arizona Revised Statutes, is amended to read:

13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
14. NOTWITHSTANDING ANY OF THE ABOVE, INTENTIONALLY, KNOWINGLY OR RECKLESSLY KILLS ANY HEALTHY CAT OR DOG UNLESS THE CAT OR DOG IS DECLARED A DANGER TO THE PUBLIC BY A JUDICIAL OFFICER AFTER HEARING.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, and the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed, and the poison is removed by the person exposing the poison after the threat to the person, or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section 17-101.
- C. This section does not prohibit or restrict:
 1. The taking of wildlife or other activities permitted by or pursuant to title 17.
 2. Activities permitted by or pursuant to title 3.
 3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.
- D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

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1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.
- F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section.
- G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11, 13 or 14 of this section is guilty of a class 6 felony.
- H. For the purposes of this section:
 1. "Animal" means a mammal, bird, reptile or amphibian.
 2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury upon an animal or to kill an animal in a manner that causes protracted suffering to the animal.
 3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
 4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
 5. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
 6. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

Section 4. Effective Date.

This act shall be effective upon certification of the secretary of state.

Section 5. Severability.

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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